

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

RONALD BAXTER,

Plaintiff,

v.

Case No. 08-CV-10291

MARK BOSTIC, DAVID WILKERSON,
CRYSTAL HUNTER, DERRICK HAYES,
LT. BROWN, SGT. D. SIATA and
CITY OF DETROIT

Defendants.

**ORDER CONSOLIDATING PLAINTIFF'S COUNTS II - IV
INTO A SINGLE COUNT**

On August 15, 2008 the court issued an order regarding Counts II - IV of Plaintiff's complaint. The court ordered Plaintiff to show cause on or before August 29, 2008 why Counts II - IV should not be consolidated into one count. Plaintiff did not respond to this show cause order on or before August 29, 2008. Accordingly,

IT IS ORDERED that Plaintiff's Counts II - IV are DEEMED CONSOLIDATED into one count which alleges a violation of constitutional rights secured by the Fourth and Fourteenth Amendments and actionable under 42 U.S.C. § 1983. The consolidation has the effect of taking the alleged violations of federal law under Count III

and properly asserting them under the 42 U.S.C. § 1983 claim of Count II. Plaintiff's complaint shall be deemed to not raise Count IV's claim of a violation of the Eighth Amendment.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: September 18, 2008

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, September 18, 2008, by electronic and/or ordinary mail.

s/Lisa G. Wagner
Case Manager and Deputy Clerk
(313) 234-5522